

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
REGULAR MEETING  
FEBRUARY 1, 2010**

**ATTENDANCE:** 1st Selectman David Campbell; David Bayne; Jayme Stevenson;  
Gerald Nielsen, Jr.; Callie Sullivan

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:** Robert Steeger, Director, Public Works

**CALL TO ORDER**

1st Selectman Campbell called the meeting to order at 7:45 p.m.

**PUBLIC COMMENT**

1<sup>st</sup> Selectman Campbell asked for any individuals who planned to speak to state their name, address or affiliation and to limit questions or comments to three minutes in length.

Jenny Schwartz, Chairman of the Darien Housing Authority read the following comment and provided a written letter, as follows:

I am Jenny Schwartz, Chairman of the Darien Housing Authority. I am here this evening on behalf of the Commissioners to set the record straight and clear up some misunderstandings and misstatements recently made about the AON redevelopment project. First, we are examining our options for financing, including CHFA's tax credit programs, which are still viable. As you know, as per my email last Friday, we will be holding a public meeting on February 9<sup>th</sup> with our partner and members of our development team to discuss the various options moving forward. This will be a working meeting of the Commission, and afterwards we will take questions. Secondly, the RTM's decision to postpone the vote on the proposed Tax Abatement Ordinance for Affordable Housing impacts our ability to structure a more competitive tax credit application. Should the RTM approve the tax abatement ordinance at its next meeting, the DHA will apply for some form of tax abatement. Thank you.

**NEW BUSINESS**

**Alternative Flood Control Projects**

Mr. Steeger, Public Works Director, said that his flood report is based on the Proposed Decision on Baker Woods Project is restricted to the Heights Road situation. He highlighted the following points from the draft permit that he presented.

The Town of Darien is permitted to conduct activities to construct a determination basin at Baker Park between Dubois Street and Noroton Avenue, south of Relihan will include the removal of the sewer main from the railroad culvert, detention under Heights Road.

He explained that detention was included under the Stop & Shop property, possible diversion of storm water away from the Heights Road area, and combinations of the above. He added that included were attachments and plans entitled "Stony Book Tributary Flood Control Project, Baker Park Flood Control Improvements" dated February 10, 2009, and related documents which were prepared by Dewberry-Goodkind, Inc. including the following: "Geotechnical Report" dated January 2009, Operations and Maintenance Manual dated March 12009, and Emergency Operations Plan dated March 2009.

Ms. Sullivan asked why they appeared to be scaling back from the ultimate goal; why did they shift from looking at the 100 year storm, which was no likely according to FEMA if the 100 year storm base criteria as set as the standard. He said that it is a concept that they should discuss together as a Board, and that it was the direction that was given to him by the 1<sup>st</sup> Selectman. Mr. Steeger said that some of the alternatives may not require a DEP permit. A DEP permit is needed whenever there is a change in the instantaneous flow. They will still need a retention pond if the sewer pipe is taken out. He said the two large storms that occurred prior to the storm in October of 2007 did not leave water in buildings.

Mr. Steeger said they were told this was the preferred alternative for a 100 year storm. Mr. Bayne confirmed that of the 11 alternatives sent to the DEP, all were proposed by the Town and reviewed by the DEP. Mr. Steeger said this is the one alternative they think meets the criteria. Ms. Sullivan asked to have a listing of the alternatives, for review by the Police Department based on the DEP proposed decision, and Mr. Steeger stated that the DEP acts on the preferred alternative that meets the criteria for granting the permit.

## **NEW BUSINESS**

### **a) Discuss DEP Hearing Officer Proposed Decision on Baker Woods Project**

Mr. Steeger stated that the proposed final decision concerning the above-referenced application was included in the packet, issued January 4, 2010. He referred to the summary that stated the Town of Darien has filed an application with the DEP Inland Water Resources Division for permits to divert waters of the state and to construct a dam in support of its proposed Stony Book Tributary Flood Control Project. The proposed project is intended to alleviate a flooding problem I the Heights Road area through the construction for larger culverts to carry storm water away from the Heights Road the the creation of a storm water determination basin within the Town-owned Baker Park to store and slowly release the excess water during heavier storm events.

He added that he recommend to issue permits as applied since the state regulations provide that any exception and/or requests for oral argument must be filed within fifteen days after receipt.. He added that he is now waiting to hear from the Commissioner's Office and the ball is in the Commissioner's court, this has been a lengthy time of process.

Mr. Bayne asked how much was not required for the evaluation services by Mr. Jackson, and Mr. Steeger responded \$38,000 which was approved by the First Selectmen, but not signed.

Mr. Bayne asked if there were other current flood projects where they could identify properties with the latest standard. Mr. Steeger responded that he was not aware of any. And stated that the list of alternatives has been trimmed down to nine, sent to the DEP, all were proposed by the Town and reviewed by the DEP. Mr. Steeger said this is the one alternative they think meets the criteria. The DEP has provided a decision on the preferred alternative that meets the criteria for granting the permit.

Ms. Sullivan asked about the water quality and Mr. Steeger responded that he could not any see any impact, but he deferred to the report that stated with no reliance through natural vegetation there would be no improvement to the water quality.

Mr. Bayne questioned the implications of credibility with the DEP with a lesser proposal with future projects as feasible criteria were evaluated. Mr. Steeger answered that he could not speculate, as it would only be a matter of opinion, and would depend on specific circumstances and personality of the officials involved. Ms. Sullivan suggested to bring Mr. Jackson in to field more detailed questions, and Mr. Bayne suggested on moving this forward in any event. It as agreed to have a discussion with the Selectmen following the next items on the agenda, with a plan to proceed contingent upon further evaluation and recommendation by Mr. Jackson.

b) Transfers

Mr. Campbell read the following transfer of appropriations approved for referral to the Board of Finance:

**RESOLVED:** That the following transfer of appropriations is approved for referral to the Board of Finance:

<b>From:</b>	<b>Acct. No.</b>	<b>Account</b>	<b>Amount</b>
	10303441-82044	Radio Repair	\$2,035
	10303441-82046	Computer Equipment	\$2,000
		<b>TOTAL</b>	<b>\$4,035</b>
<b>To:</b>	10303441-82041	Fac. Repair & Maint.	\$4,035
			<b>TOTAL \$4,035</b>

**\*\* MR. BAYNE MOVED TO APPROVE THE ABOVE TRANSFER OF \$4,035 FROM RADIO REPAIR AND COMPUTER EQUIPMENT TO FACILITY REPAIR AND MAINTENANCE OF \$4,035.**

**\*\* MR. NIELSEN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Bayne asked about the Library Budget and if there were any transfers, and Mr. Hilduff responded that there were none put through the Finance requirements and he would convey to the Library what to report and would follow up with them.

## **1st SELECTMAN'S REPORT**

1st Selectman Campbell said that he had attended a SWERPA meeting with the DOT, and stated that he was impressed with how well the surrounding towns interact with the DOT. He said details of the meeting would be on the website and he would e-mail relevant information to the committee.

He has met with the Green Team and different groups on the Tree Commission, and they are a very good group with good ideas, and they are working on an ordinance re-write, where they will need a Planning & Zoning member to attend. Ms. Sullivan suggested that the purview needs to be established in advance, and Mr. Bayne stated that there needs to be a decision on a comprehensive ordinance or charter provision relative to the Tree Ordinance.

1st Selectman Campbell stated that he would be meeting with the First Selectmen of New Canaan regarding Hoyt Street sidewalks from Tallmadge Hill and beyond. He reported that the cost is estimated around \$300,000 and that they are pursuing state monies to assist in coming up with a plan to slow down the traffic and there will be more meetings required.

He attended the Emergency Management and classes in cooperation with surrounding towns and stated that they showed a documentary on the bridge collapse in Minneapolis to highlight how they learn from mistakes in the disaster and first response situations.

He stated that Bob Price, Harbormaster is resigning at the end of his term, and they need to now advertise for a new Harbormaster.

## **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Kilduff said the Town has closed on 33 Cherry Street and the Town is now prepping the property for demolition. They have 60 days to demolish and restore the site, and he has met with contractors for demolition and site restoration.

Mr. Kilduff stated that he has been involved with a program with DEP on shutting off certain lights at midnight to reduce the street lighting costs. He suggested the Police Chief review the plan to determine a map for safety and analyze the timing where some should be cut at midnight and others at 2:00 a.m. He added that he would the plan to be reviewed by the staff from the Public Safety Department.

## **AGENDA REVIEW**

Mr. Bayne announced there would be public hearing on budgets at the Board of Education meeting tomorrow. He added that he would defer the tax abatement issue pending more information and add it to the agenda for vote at the February 16 meeting.

## **APPROVAL OF MINUTES**

Mr. Bayne requested to add comments as written from Mr. John Schlachtenhaufen to the December 8, 2009 meeting as submitted as follows:

Mr. John Schlachtenhaufen, 58 Beech Hill Road, said he was present to try to defend the community forest at the high school, which was an offset to wetlands because of what they were doing at Baker Field. It was required by the DEP that the Town have an offset, they rushed it through, there's about 30-40 trees that would go under the existing DEP proposal. The DEP told the town (the prior administration) that they could substitute and find a different one that they picked, They picked one in a one-day walk-through of all the town wetlands, and the only one that was satisfactory to them was the one at the high school. Nobody ever asked them the question, can we use private lands? Since we are delaying this, and it now appears that it's going way out in the future, please don't take the trees at the high school because it's unnecessary, it's wrong, and it's more expensive. The DEP event told the Town that if we moved swiftly, we could substitute with no penalties in delay and no penalties to our proposal that was submitted – you have to realize that everything has to go back to ground zero once you make one minor change. Please don't take the trees at the high school. There is a much better solution in town to pick wetlands that desperately needs to be fixed and we don't have the money to do it.

An additional change to the December meeting already made, but not approved, is:  
On page 2, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence, change “have” to “leave”.

- \*\* MS. SULLIVAN MOVED TO APPROVE THE MINUTES OF THE  
DECEMBER 8, 2009 MEETING AS SUBMITTED.**
- \*\* MR. BAYNE SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

## **FORTHCOMING MEETINGS:**

February 9, 2010: Planning & Zoning Commission General Meeting – 8:00 p.m.  
February 9, 2010: Board of Education Regular Meeting – 7:30 p.m.  
February 16, 2010: Board of Selectmen Regular Meeting – 7:45 p.m.

## **OTHER BUSINESS**

There was no additional business reported.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Marilyn Knox, Telesco Secretarial Services